

**REMARKS**

Claims 1 and 6 have been amended. New claims 14-20 have been added. No claims have been canceled. Accordingly, claims 1-20 are currently pending in the application.

**Priority**

Applicants request that the Examiner acknowledge the claim for priority in the above-identified application. The certified priority document was filed with the initial application on June 2, 2000. A copy of the date-stamped mailroom receipt and cover page are enclosed as evidence that the document was received by the Patent Office.

**Information Disclosure Statement**

On September 27, 2001 Applicants filed an Information Disclosure Statement. However, the Examiner has not returned an initialed copy of the PTO-1440 Form. Accordingly, Applicants request the Examiner initial and return a copy of the attached PTO-1449 Form to indicate that the documents have been considered.

**Specification**

The specification has been amended to remove underlining on pages 8 and 9.

**35 U.S.C. §102**

Claims 1-13 have been rejected under 35 USC 102(e) as being anticipated by Teraslinna. This rejection is traversed as follows.

The present invention promotes the effective use of contract bandwidths for each user by providing a method and device for transmitting specific types of packets in preference to other types of packets. Method claims 1 and 6 of the present invention recite the transmission of a packet other than specific packets, when it is determined that the packet does not violate the contract bandwidth and does not belong to the specific type of packet, by treating it as if it does belong to the specific type of packet. Claims 1 and 6 have been amended to specifically recite the step of transmitting a specific type of packet in preference to packets other than the specific type of packet. This portion had previously been recited in the preamble portion of claims 1 and 6. Support for this limitation can be found, by way of example, from page 36, line 22 to page 37, line 20.

Apparatus claims 10-13 recite a check result decision means which decides the conformance or violation of the bandwidth for an input packet based upon a flow priority (claim 10) which indicates the priority of the input packet within a flow priority, or a connection priority (claim 12) which indicates the priority of the input packet within a connection priority. New claims 14, 18 and 19 recite a bandwidth monitor which performs a function similar to that of the check result decision means of claims 10-13.

On the other hand, Teraslinna discloses a method and system for enforcing a bandwidth constraint for packets based on a source endpoint, but independently of a destination endpoint, to thereby reduce the bandwidth or cost of implementing a virtual private network (see column 2, lines 39-64). According to Teraslinna, a plurality of virtual connections are provisioned from a source endpoint to a plurality of destination endpoints. Therefore, the bandwidth constraint at the source endpoint effects bandwidth usage over all of the virtual connections.

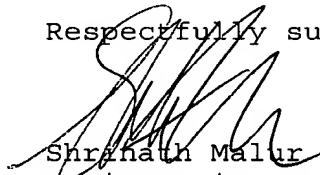
Therefore, the teaching of Teraslinna is completely different from that of the present invention. The present invention is concerned with transmitting specific types of packets in preference to other types of packets. Teraslinna is merely concerned with generally constraining bandwidth

usage over a plurality of virtual connections without the prioritizing recited in the pending claims. As such, it is submitted that all of the pending claims patentably define the present invention over the cited art.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,



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